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October 8, 2013

BY ELECTRONIC MAIL

Honorable Ronnie Abrams
Thurgood Marshall
United States Courthouse
40 Foley Square
Courtroom 1506
New York, New York 10007

Re: CFTC v. Brian Hunter, 07 CV 6682 (RA)

Dear Judge Abrams:

We represent the defendant in the above-referenced matter. We write in opposition to the U.S. Commodity Futures Trading Commission's (the "CFTC") letter of today requesting that the Court "stay" the date for the trial, currently scheduled to commence on November 12, 2013. We take the CFTC's request to "stay" the trial date as asking essentially for the trial to be cancelled, and for rescheduling to be revisited at some unspecified time in the future.

The Court should decline to "stay" or otherwise cancel the trial date at this point because such a decision would be premature. Rather, we respectfully suggest that the Court direct the parties to assess the situation three weeks before the start of the trial, or at the conclusion of the U.S. government furlough, whichever is earlier, and report to the Court. The Court could direct that the parties confer regarding precisely what impact, if any, the furlough has had on the CFTC's ability to prepare for the trial, what particular projects the CFTC still needs to complete, and what additional time for trial preparation may be necessary.

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With such additional information, the Court would then be in a better position to determine whether a continuance of the trial date is necessary and, if so, the appropriate revised date, taking into consideration the availability of the parties, attorneys and witnesses, as well as the interests of Mr. Hunter in minimizing further delay in the resolution of this matter which was filed six years ago.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael S. Kim', with a stylized flourish extending to the right.

Michael S. Kim
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cc: Manal Sultan, Esq., U.S. Commodity Futures Trading Commission